G. R. S. IX-5]

Previous references. 1895-96

~~191~~ .

(Land Rev)

File No. 73.

Serial Nos. 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—2.

Major Part B for November 96.

SUBJECT.

Refund in favour of purchasers of waste lands in Madagundahalli Village.

Submitted

Countermarked

W D 88—GPB—50,000—24-7-16

For orders

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Regarding the refund of Rs 238-12-0 in favor of the purchasers of waste lands in the Madagondahalli village Doddaballapur Taluk.

LAST REFERENCE. Letter No. 103 dated 2nd July 1896 from the Dy Commr Bangalore

On the 28th April 1892 one Siddeappa applied for lot No 42, extent 3-6 assessment Rs 20/- of Madagondahalli village Doddaballapur Taluk, and as the land contained no trees or buildings & as there was no arrears due thereon, and as it had been lying waste for more than 3 years and as the applicant being the 1st Darkhastdar, it was made over to him by the

the Amildar on the 2nd June 1892

2 On the 3rd May 1892, one Abdul Aziz applied for wet Nos 31, 33, 36, 38, 39 & 42 of the above village. The application was sent to the Sheristadar on 10th June 1892, with the remark that as the applicant had not mentioned in his darkast, the survey No., extent &c, a personal enquiry should be made as to the above effect and a certificate giving the extent &c, submitted.

3. The Sheristadar in his report the particulars required regarding the above Nos. ~~[illegible]~~ in the reference of the darkhast application, stated that Nos referred to in the darkhast had already been disposed of.

4 On the 6th June 1892 one Balagai Ramiya of the Honnatta village applied for

well to the extent of £5 accumulated by the aforesaid assignees under the said contract in the June and July several certificates for several wells under the said contract were received from Scottish Provident, Gladstone's Land. Three certificates amounting to £5 were applied for by Abercrombie. The 26th June 1852 the agent of Abercrombie's trustees submitted an application to the Guildry requesting that the wells certificates applied for by Scottish Provident should not be given to the applicants but to themselves as they were done by the contractors of the said Scottish Provident and if they were sold in public auction they were ready to purchase them if not they would not do the required repairs to the wells.

Receipt

him in possession of the
lands without sale.

10. The above petition
was referred for disposal
to the Sub Division Officer
who referred it to the Assis
-tant for report.

11. The Amildar reported
that the rents due to the
Carlton Mill as occasion arose
and also the annual
Repairs Grant, to the lands
-formerly held rent free
the grant of the land to
under it to cultivators &
requested that they might
be given to them either in Instant
Sale or in public auction in that
under the provisions of Para 1
Rule XX of the Revenue
Rules, he had issued the
Notice to the effect that
the lands in question would
be sold in public auction
on the 19th August 1872
on which occasion either
he or the Sheristadar would
be present & the final result

A

Timber reg. No. £38 - 9 -

~~Credit~~ except from the
Middlesex rio bid for no 50,
& who pay only the upset amount
but failed to pay the remain-
der within the prescribed
time & also take up the said ~~contract~~
having been
made over to the purchaser
on the instructions of the Crown
Agent.

9. On the tabulating
objecting to the sale sub-
-mitted an application to
the Deputy Commissioner stating
that timber quantity to No.
Reserve had been in the
Creek from a long time
but inadvertently declared
Pending his application to
the Surveyor but had set-
-ted other matter to advise
for the lands he had ap-
-plied for, & though it was
the duty of the Chairman & the
Lands Officer & the
Assistant Conservator
public had ordered timber to
be sold in return under
-fore requested that orders
may be issued to put

hui

7. Thereafter, the said

Bar issued an order ____
to the Sheriff of the District
that under Rule XI of the Revenue Rules
all the wet lands under
the Tuadapandalli tank
should be sold in public
auction as a special case &
to this effect he sent an
Order fixing the time
and date of sale. He
also ordered that all
the Cultivators including
Abdul Aziz & Ismail Sab
who variated at first
for Certain Nos, should
be intimated of the sale
which should be conducted
in their presence as well in the
presence of the principal
persons of the village.

8. The Sheriff on the
13th September 1892, re-
ported that the Sale of
all the lands
in the presence of
the Saint Thiru Karai
on 14th August 1892 & the collection of the whole of
the proceeds
money

of the sale would
be reported
the Sub Divisional
Officer received that of the
Purchaser under the provi-
-sion be strictly applied
in every case the provi-
sion would very little
contribute to the purpo-
-se said to be served by
the provision and consequent
-ly the Legislature other wise
-would have enacted that
application for certificate
of purchase was receivable &
the should therefore be hel
possession of the lands.

Date

Date

9) The Purchaser replied
that it was decided accord
-ing to law by the said rule
to the lands in question as a
special case with a view
to bring out all the argu
-ments that they were
desirous of urging before
the date notified in the Gaz
-ette for the purchase money
was received and orders
issued to put the party in

that it would have been done
was to have granted the
lands to the first applicant—
of a different village
in order to prevent other
villagers from likewise
allowing the lands of
their villages to be waste
at a loss of revenue
to Government — and it
ordered that all the lands
sold including also
those retained in Abdul
Aziz's name should
be considered to have been
given for only one crop i.e.
on yelisat tenure, & the fact
~~should be~~ intimated only
only to the purchasers of
these lands and not to those
persons who retained it without
sale lest [illegible] & on the
expiration of this term all
the lands should be sold
again in public auction.

Date

17. Rec'd 16th January 1893

Abdul Aziz

has he thought that the sale
should be enforced both
to Government and to the
people he applied the rules
to this case and decided the
lands and the sale proceeds
[illegible] should be
distributed between Government
& credited to Government. As
he further reported that he
sold the lands on his own
responsible security pend-
ing the final disposal of the
matter but that he
first reported and obtained
orders before selling them
he solicited orders for his
future guidance.

16. He a perusal of the
records the following facts
were ascertained.

"That villagers did not
apply for the lands at first
on the ground they could
get them for Rs 2 per acre
value and subsequently
applied for the same on
receipt of a circular
from a neighbouring Col-
lector, the proper thing.

That

possession of the lands & that it was not justifiable to change the order nisi issued as prayed for by the Petitioner Abdul Aziz.

14. On this the Sub-division officer observed that the Amildar's reply was not at all satisfactory, that he had no power to decide that the rules were applicable in this particular case or not, that he should have obtained orders before selling the lands setting forth his reasons for not giving the lands to the Petitioner, without sale and directed him to submit the whole proceedings for final orders

15. The Amildar in submitting the proceedings stated that as the tank had a good supply of water and as the villagers were anxious for the sale of the lands in question &

conduct etc. against
~~appealed~~ appealed to the Deputy Comm^r
complaining of the action
taken by the Surveyor in
disposing of the land he
had applied for by public
sale without granting them
to him under the rules.

18. The application was
referred to the Sub-Divisional
Officer asking him to report
what had been done in
the matter. The Office
submitting the records
of the case opined that
though he did not approve
of the Surveyor's conduct
in selling the land the
petitioner abandoned and
has no right to complain and
it was entirely discretionary
with Government either to sell
or to grant them to the first
applicant.

19 Upholding the order
passed

passed by the Sub-division Officer. (vide para 15, above)

The Defence Commissioner Mr. Sinjayat on passing the following order:

(1) "In 42 being an old Bell and being land, relinquished within 3 years should have been sold, the ~~Government~~ Crown therefore is cancelled. It should be sold now."

(2) "Abdul Aziz's application was received on the 4th June. It was kept in the Talati office till 3rd July & was then referred to the Sheristadar for report. The Sheristadar kept it with him upto the 5th August. In the meantime several other Darkhasts were received. One of them was from Dodda Lamnah which was received on the 14th June, on the 20th June it was referred to the Sheristadar for report but with a Stamp that of the land applied for had no trees or buildings or arrears of

dec'd Jute.

the plots of interest or if it had
been waste for more than
3 years or if the applicant
was the first cultivator,
the land should be made over to
him. This was left by
the Tehsildar till the 5th
August when he made
over the same to the appli-
cant. Mr. Ismail
made an application on
the 1st June or the 2nd
it was referred to the
Tehsildar for report.
This application and
Abdul Aziz's application
contained true and other
particulars, while such
was the case the order of
the Tehsildar for report says
that such particulars were
not given: Besides —
Ismail's application in-
cluded 2 Darkhast
for [illegible] Doddamanuala
and therefore Doddamanna
was not the first appli-
cant and yet he was
put in possession. There
was apparent fraud &
collusion. The grant
was

was invalid and is hereby cancelled."

(3) "The lands seem to be valuable. There is nothing in the rules to preclude sale if circumstances justified it. I think the last order of the Divisional Officer that they should be held again is the right one. They should be sold again & should be sold by the Divisional Officer after the notice" —

(4) "So far as the disposal of the land is concerned the order that I have passed and the grounds that the order is based on can stand. The order should be carried out."

(5) "The sale proceeds should be refunded to the parties concerned after the excess amount due by them if any for the interval as per paragraph following has been paid. If the

assessment

assessment so due by them be not paid on demand, the prices which they have respectively paid may be utilized for the purpose to the extent needed."

(6) "For the year for which Mr Raghavacharlu orders the lands to be retained by the darkhastdars and purchasers, they should be held responsible for the assessment of the lands in the possession of each respectively For subsequent years the assessment should be collected by persons who cultivated the lands. If any of the lands remained waste the assessment thereof need not be brought on the demand. If it has been already brought, it should be recommended for remission."

20. In pursuance of the above order all the lands under reference

reference were sold on the 19th April 1895 for Rs 304-6- against Rs 224-12-0 realized in the first sale, and the lands are in the possession of the persons that purchased them in the 2nd Sale.

11. A refund bill for Rs 238-12-9 in favour of the purchasers of the lands in the 1st Sale is now submitted for sanction.

Submitted with replies to the Secretary's queries on the draft order sanctioning the Refund Bills laid before you.

Secretary's queries.	Replies.
1. Are they (1st purchasers) willing to receive back their money or do they object?	1. Yes - they are willing to receive their money. V Chinsurah's report No — 23rd August 1893. Paper marked A.
2. Did they appeal to Government.	2. No. There is nothing Shewn that there was an appeal from them.

3. Did they not forgive the Kandayan.

3. No. Vide Commissioner's report above referred to marked A in which it is said that the Ryots are not willing to take up the lands on Pakasha tenure, but that the assessment for mirgai might be deducted from the Sale amount & the balance refunded to them.

4 How long were they in possession.

4. It is presumed that they were in possession of the lands for only one year.

5- Who is in possession now.

5. The purchasers in the 2nd Sale, much of whom were also purchasers in the 1st Sale.

6. The grounds of cancellment are not clear.

6. Please see the Shyadri Chetti's order of June 1896 marked B.

Submitted for orders.

The result of cancelling the present refund Rs. (180-1-2) is to credit the Treasury with the amount standing in the accounts & to levy the balance Rs 59-1- to the 1st purchasers.

BB
8/10/96

Submitted

Not was a case in which "the Peculiar position and lack of

the land ordered for
erosion circumstances
rendered a public
sale desirable. The sale
was not therefore
advised to pursuant to
Rule 22. The Land Dr.
Officer seems to have
taken an incorrect
view of the case. Then
again under existing
circumstances
should have awaited
[illegible] the land matured
sale, the Land Dr. off.
directed the sale
of the lands at the
[illegible] of the term
of one year. The proceedings
were such as to shake
the confidence of
the people in dealings
sales. However the
Dy Comr upheld the
Land Dr's order;
the sale was held;
most of the purchasers
at the first sale
became also purchasers
at the second; and
the money realized

see page 22
MMB

at the first sale
Mrs. Blue responded
Hence the draft was
ok — C

12-10-96

redraft
keyboard with
some alterations
WMD
3/11/96

Gen. 31]

REVENUE DEP. ST
Gl. No. 856
1896-97 AUG. 96
DEMAN'S OFFICE

Rev
31/7

From The Dy-Commissioner,
Bangalore District.

To The Secretary to the Govt.
of Mysore.
Rev. & Genl. Departments.

Dated 24th } July 1896.
Despatched 30th }
Received 31

LR 7 — 95

General No. (1)

D No. 103.

Enclosure No. 1 & file

Submits for sanction
bill for Rs 238-12-9, being
the amount of expenditure
to be made to the purchasers
of land lands in Madda-
-gondahalli village, Kadida-
-Baliapura Taluk.

Submitted with draft

4h

21

Deputy Commissioner's Office
Bangalore 24th July 1896.

D. No. 103.
Encl 1 & file.

30

From,

The Deputy Commissioner
Bangalore District.

To

The Secretary
to the Government of Mysore
LR General and Revenue Departments

Sir,

I have the honor to submit herewith for sanction Bill No. 37 for Rs. 238-12-9 being the amount of refund to be made to the purchasers of wet lands in Madagondahalli village, Doddaballapur Taluk, the sale of which was cancelled under the following circumstances:—

2. One Abdul Aziz of Dod-
-ballapur applied for certain Nos.

below the Tank of Madgondahalli village. Certain others having subsequently darkhasted for the same and other Nos., they were sold by public auction and purchased for Rs. 238-12-9 by the individuals specified in the Bill.

3. Abdul Azizy protested against the sale. On enquiry it was reported that as there were other "Darkhasts" for the lands and as the ryots doing earth work to the Tank objected to the grant of the same to outsiders, the sale was ordered.

4. The Sub Division Officer was of opinion that the land should have been granted to the 1st Darkhastdar without taking into account the objections of the ryots, who had caused it to lie fallow to the loss of Government, and decided that the purchasers

should have precedence for one year, after which he directed that the same should be recorded. This was agreed by the late Deputy Commissioner in Mr. Thyjet's absence.

5. The vernacular papers bearing on the subject is enclosed.

I have the honor to be
Sir,
Your most obedient servant
[illegible]
Deputy Commissioner

Draft for approval

Read:

Letter No. 33 dated 16th July 80 from the Deputy Commissioner, Bangalore District, submitting for sanction a bill for Rs. 232-2-9 being the amount to be refunded to the purchasers of certain wet lands in the Madagondanahalli Village, Doddaballapur Taluk.

L.R. 73-85
SL (2)

No 4177-78
7.C. 385
dy 4-11-80

Order thereon:

The facts of the case are ~~described~~ that the applicants had applied for certain wet lands bearing the Madagondanahalli Survey numbers mentioned in their petitions. Certain other persons also put in their petitions for these and other numbers. They were called by the Assistant in public auction

in

on the 7th August 1892
in which Circular,
Rajnama and other fair
Cases Claim for Rs ~~230-12~~ On the 13th Sept 1892 the Sheristadar
reported that
the purchase money was
received and ~~credited~~ the purchasers put in
possession of the lands
by Government. On the
Complaint of Gridhari
against the Sub Division Officer was
heard and ~~finally~~ disposed of
dismissed by an appeal preferred by
the 1st Darkhastdar
of opinion that the lands should have been sold.
not
application should have
been granted, ~~but~~ Notice
~~should have been issued~~, the
objection of the other
Darkhastdar, viz that
~~that the purchasers~~
Lands should have possession
of the lands for one year after
which they (the lands) should
be resold. A resale
was accordingly held on the 29th April 1895
when
wherein the lands were realised
Rs 314-0-0 Hence

the cancelled the grant
of the land to the first
purchasers and
ordered a resale. The
matter went up in
appeal to the Govt
& that officer confirmed
the order of the Sub
Div Officer. More than
two years elapsed
during the interval
and

1 r

The submission of the bill for Rs ~~285~~ 238 12-9. in favour of the 1st purchasers. The bill is accordingly ~~drawn~~ drawn and passed on to the Comptroller for the del-

2 It is noted that out of the amount now sanctioned, Rs. 180 " 11 " 9 will be credited to Govt. on account of arrears of Kandayam one - the balance of Rs. 58 " 1 " 0 only refunded to the parties concerned.

3. Sd/ [illegible]
17/9/96
Secretary
The Dy Commissioner,
Bangalore District, returned
with his papers -
The Comptroller

Submitted
Drawn & the above
sanction be
Drawn

3. Sd/ [illegible] it
accompanied with
record the opinion
that the proceedings of
both the Sub Dn Officer
& the Dy Com were
[illegible]
what ought to have
the Sub Dn Officer
not for any reason
[illegible]

27 ✓

Learned Counsel for the Respondent agrees - (para 22 of the XX of the Rules) that the other hand be hearing the matter on the question that a sale was already held, but the sale was cancelled the respondent not whether after an interval of three years during which further appointment (180-11-9 x 3 =) more than one hundred numbers in the steps of a hundred numbers. The resale resulted in a net loss of Rs. 80/- to the purchasers, are most of them have paid while back the purchase money - and the income of the purchasers and they have filed these cases to recover the loss of crops for three years.

3/11/96.

Verified & found correct

5/11/96

5/11/96